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APPEDIX X.

[Vide item III, page 522 supra.]

L.A. BILL No. 26 OF 1947.

(As passed by the Assembly.)

A Bill to prohibit the alienation of communal, forest and private lands in estates in the Province of Madras.

WHEREAS it is necessary to prevent the indiscriminate alienation of communal, forest and private lands in estates in the Province of Madras pending the enactment of legislation for acquiring the interests of landholders in such estates and introducing the ryotwari settlement therein; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Act, 1947.

(2) It extends to all estates in the Province of Madras governed by the Madras Estates Land Act, 1908. **Madras Act I of 1908.**

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) " estate ", " landholder ", " private land " and " ryoti land " shall have the same respective meanings as in the Madras Estates Land Act, 1908, and " communal land " means any land of the description mentioned in section 3, clause (16), sub-clause (*a*) or sub-clause (*b*), of that Act; **Madras Act I of 1908.**

(*b*) " forest land " includes any waste land containing trees and shrubs, pasture land, and any other class of land declared by the Provincial Government to be forest land by notification in the *Fort St. George Gazette*;

(*c*) " impartible estate " means any estate included in the Schedule to the Madras Impartible Estates Act, 1904, or subsequently declared to be an impartible estate within the meaning of that Act, by an Act of the Legislature. **Madras Act II of 1904.**

Prohibition of the alienation of communal, forest and private lands in estates.

3. (1) Notwithstanding anything contained in any other law for the time being in force, no landholder shall sell, mortgage, convert into ryoti land, lease, or otherwise assign or alienate—

(*a*) any communal or forest land in his estate without the previous sanction of the District Collector, on or after the date on which the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Ordinance, 1947, came into force, namely, the 27th day of June 1947, or **Madras Ordinance II of 1947.**

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(*b*) any private land in an impartible estate notified by the Provincial Government in the *Fort St. George Gazette*, in pursuance of this clause or the corresponding clause in the Ordinance aforesaid, on or after the date on which the estate was so notified :

Provided that private land in an impartible estate so notified may be leased for a period not exceeding two years.

(2) Any landholder who has contravened or contravenes the provisions of sub-section (1) and any agent of the landholder who has abetted or abets such contravention shall be punishable with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

Transactions of the nature specified in section 3 to be void. Savings.

4. (1) Any transaction of the nature prohibited by section 3 which took place, in the case of any communal or forest land, on or after the 31st day of October 1939, and in the case of any private land in a notified estate, on or after the 1st day of November 1945, shall be void and inoperative and shall not confer or take away, or be deemed to have conferred or taken away, any right whatever on or from any party to the transaction:

Provided that nothing contained in this sub-section shall be deemed to invalidate—

(i) any such transaction in respect of any forest land entered into before the 27th day of June 1947, in favour of any religious, charitable or educational institution, or of any hospital, or of any local board, municipal council, or co-operative society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, or of any other public body or institution;

(ii) any such transaction in respect of any private land entered into before the date on which the impartible estate in which the land is situated is notified as specified in section 3 (1) (*b*), in favour of any religious, charitable or educational institution, or of any hospital, or of any local board, municipal council or co-operative society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, or of any other public body or institution;

(iii) any such transaction in respect of any forest or private land not exceeding twenty acres in extent, entered into, in the case of forest land, before the 27th day of June 1947, and in the case of private land, before the date on which the impartible estate in which the land is situated is notified as aforesaid;

(iv) any such transaction in respect of any forest or private land exceeding twenty acres in extent, entered into

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before the respective dates specified in clause (iii), up to a limit of twenty acres chosen by the assignee or alienee, the choice being limited as far as possible to contiguous land;

(v) any such transaction in respect of any forest or private land entered into before the respective dates specified in clause (iii), in favour of an assignee or alienee in good faith and for valuable consideration.

(2) Any choice made under clause (iv) of the proviso to sub-section (1) shall be communicated to the Collector of the district or such officer as may be authorized by him, in the case of forest land within three months from the date on which this Act comes into force and in the case of private land, within three months from that date or from the date on which the impartible estate is notified as aforesaid, whichever is later.

(3) If any dispute arises as to the validity of the claim of any person to any land under clauses (i) to (v) of the proviso to sub-section (1), it shall be open to such person or to any other person interested in the transaction or to the Provincial Government, to apply to the District Judge of the district in which the land is situated, for a decision as to the validity of such claim.

(4) The District Judge to whom an application is made under sub-section (3) shall, after giving notice to all the other persons concerned in the transaction or interested in the land and also, where the application is not made by the Provincial Government, to the Provincial Government, decide whether the claim to the land is valid or not; and his decision shall be final.

(5) The Provincial Government may, by notification in the *Fort St. George Gazette,* make rules for the purpose of carrying the provisions of this section into effect, and in particular as to the fees to be paid in respect of the applications referred to in sub-section (3), and the procedure of the District Judge.

Power to enhance jurisdiction of First-class Magistrates to impose fines.

5. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the first class specially empowered by the Provincial Government in this behalf to impose a sentence of fine exceeding one thousand rupees for any offence under section 3. **Central Act V of 1898.**

District Collector to sanction prosecutions.

6. No prosecution shall be instituted under this Act against any person without the previous sanction of the District Collector.

Bar of jurisdiction.

7. No notification or order of the Provincial Government or of the District Collector under this Act shall be liable to be questioned in any Court of Law.

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Madras Ordinance II of 1947.

Repeal and savings.

8. The Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Ordinance, 1947, is hereby repealed :

Provided that all notifications and orders issued under the said Ordinance and in force immediately before the commencement of this Act shall continue to be in force and be deemed to have been issued, and shall have effect as if they had been issued, under this Act :

Provided further that the repeal of the said Ordinance shall not affect any penalty or punishment incurred in respect of any offence committed against it or any investigation, legal proceeding or remedy in respect of any such penalty or punishment; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed as if the said Ordinance had not been repealed.

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

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